

IN RE: PETITION FOR ZONING VARIANCE  
SE approx. 1225' of Intersec.  
Lewis and Tyla Roads  
(6828 Lewis Road)  
11th Election District  
6th Councilmanic District  
Francis J. Ellwood, et ux  
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory structure (garage) height of 20 feet in lieu of the maximum permitted 15 feet, in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. Also appearing on behalf of the Petition is Joseph Larson with Spellman, Larson & Associates. There were no Protestants.

Testimony indicated that the subject property, known as 6828 Lewis Road, consists of 43,264 sq. ft. zoned R.C. 2 and is improved with a single family dwelling. Petitioners propose constructing a detached two story garage to house personal possessions as well as to protect antique automobiles. Petitioners testified that original plans called for a height of 14 feet. However, it was determined during construction that a greater height was needed to allow adequate storage space above the garage area. Petitioners testified the surrounding property is unimproved farm land. Petitioners further testified that they discussed their plans with adjoining property owners who indicated they have no objection. Testimony presented indicated the requested variance would not be detrimental to the health, safety or general welfare of the community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Com-

missioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 22nd day of February, 1989 that the Petition for Zoning Variance to permit an accessory structure (garage) height of 20 feet in lieu of the maximum permitted 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

ANN:bjls

CERTIFICATE OF PUBLICATION

TOWSON, MD., January 26, 1989.  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on January 26, 1989.

DORHEAST  
THE JEFFERSONIAN,  
Publisher

\$74.86

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 11th Date of Posting: 1/27/89  
Posted for: Francis J. Ellwood et ux  
Petitioner: Francis J. Ellwood et ux  
Location of property: SE 1/225' of Intersec. of Lewis & Tyla Rd.  
Location of Sign: Francis J. Ellwood et ux, 6828 Lewis Rd.  
Remarks: Property of Baltimore County  
Posted by: [Signature] Date of return: 1/27/89  
Number of Signs: 2

PETITION FOR ZONING VARIANCE  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-313-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (garage) 20 ft. in height in lieu of the maximum allowable 15 ft.

- of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)
1. Need for storage space to store furniture which is now in house basement. (This furniture was gift for son to be married in 6 months).
  2. To store antique auto and classic auto that are now outside.
  3. To house parts and tools related to antique car hobby.
  4. Construction on garage has already begun, weather damage is possible.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: (Type or Print Name) Signature Address City and State  
Attorney for Petitioner: (Type or Print Name) Signature Address City and State  
Attorney's Telephone No.: Address Phone No.

ORDERED BY The Zoning Commissioner of Baltimore County, this 27th day of January, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 7th day of February, 1989, at 9 o'clock A.M.

J. Robert Haines  
Zoning Commissioner of Baltimore County

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

Mr. & Mrs. Francis J. Ellwood  
6828 Lewis Road  
Baltimore, Maryland 21013  
Re: Petition for Zoning Variance  
CASE NUMBER: 89-313-A  
SE 1/225' from Intersection Lewis & Tyla Road  
6828 Lewis Road  
11th Election District - 6th Councilmanic  
Petitioner(s): Francis J. Ellwood, et ux  
HEARING SCHEDULED: FRIDAY, FEBRUARY 10, 1989 at 9:00 a.m.

Dear Mr. & Mrs. Ellwood:  
Please be advised that \$89.86 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
DATE: 2/10/89 ACCOUNT: R-01-615-000  
AMOUNT: \$ 89.86  
RECEIVED FROM: Francis J. Ellwood  
FOR: PIA 2/10/89  
VALIDATION OR SIGNATURE OF CASHIER: [Signature]  
89-313-A

SE OF THE INTERSECTION OF LEWIS AND TYLA RDS.  
A DISTANCE OF 1225' ALONG THE CENTERLINE OF LEWIS RD.  
A 50 FT. WIDE TO THE POINT OF BEGINNING - THEN  
PROCEEDING NORTH EAST A DISTANCE OF 210 FT. THEN SOUTH EAST  
A DISTANCE OF 210 FT. THEN SOUTH WEST A DISTANCE OF 210 FT.  
THEN BACK TO THE POINT OF BEGINNING - A DISTANCE OF 210 FT.  
BEING A LOT REMOVED AS IN DEED LIBER 643, 3223 F-10 09.3  
ALSO KNOWN AS 6828 LEWIS RD.

I ACCEPT FULL RESPONSIBILITY FOR THE ACCURACY OF THIS DESCRIPTION. [Signature]

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

January 12, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance  
CASE NUMBER: 89-313-A  
SE 1/225' from Intersection Lewis & Tyla Road  
6828 Lewis Road  
11th Election District - 6th Councilmanic  
Petitioner(s): Francis J. Ellwood, et ux  
HEARING SCHEDULED: FRIDAY, FEBRUARY 10, 1989 at 9:00 a.m.

Variance to allow an accessory structure (garage) 20 ft. in height in lieu of the maximum allowable 15 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES  
Zoning Commissioner of Baltimore County  
cc: Mr. & Mrs. Ellwood  
File

February 8, 1989

TO WHOM IT MAY CONCERN:

We the undersigned do hereby state that we have no opposition to the granting of the zoning variance requested in Case No. 89-313-A to build a garage 20' in height.

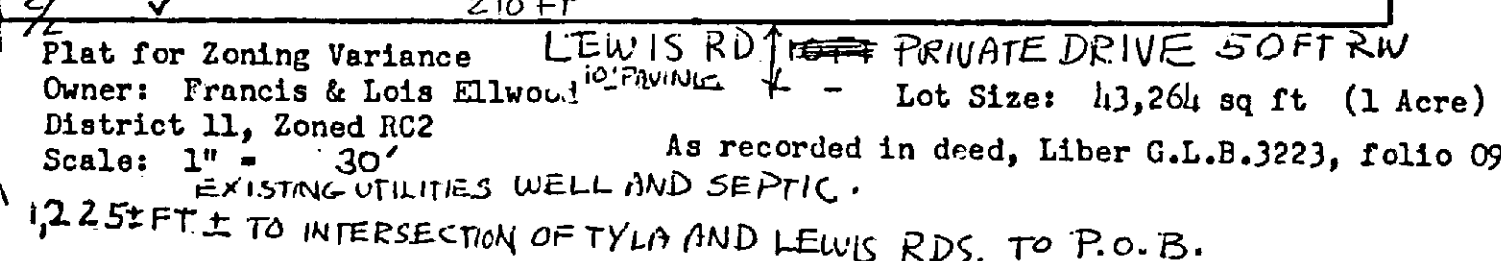
Edward E. Lewis Jr.  
EDWARD E. LEWIS, JR.  
Lewis Road

Martin H. Nelson  
MARTIN H. NELSON  
6027 Lewis Road

Michael A. Lewis  
MICHAEL A. LEWIS  
6009 Lewis Road

PETITIONER'S  
EXHIBIT 2





1997

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Petitioner Francis J. Ellwood Received by: James E. Dyer  
 Petitioner's et ux Chairman, Zoning Plans  
 Attorney Advisory Committee

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